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TOOLS TO DE-STRESS & REBALANCE

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How lawyers can avoid burnout and debilitating anxiety

BY LESLIE A. GORDON

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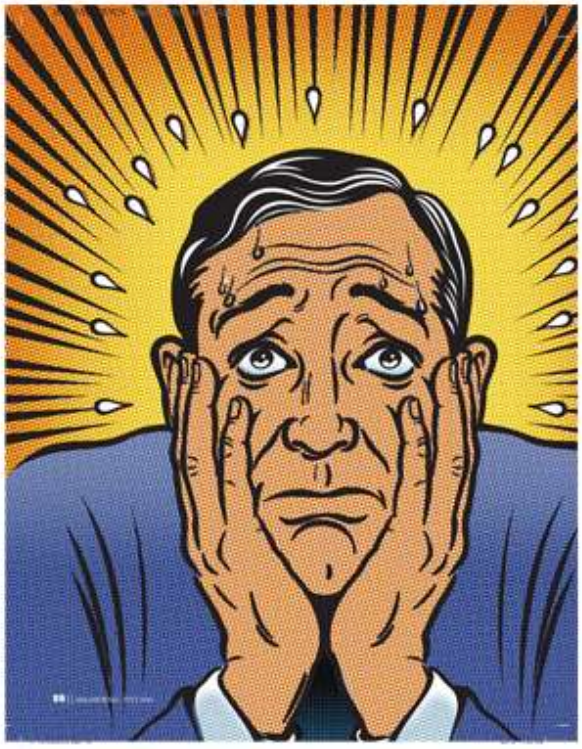

Illustration by Jeff Dionise

Soon after graduating from New York University School of Law and joining the corporate practice of a white-shoe Manhattan law firm, Will Meyerhofer gained 45 pounds, was sleep-deprived and was frequently sick. "I was a nervous wreck. I was shattered," says Meyerhofer, who'd also graduated from Harvard. "Even though I got to the very top, I was treated like an idiot and I felt I didn't belong in the field. I was a mess. At the end of the day, I really only looked forward to seeing my dog."

Not surprisingly, this experience triggered major anxiety for Meyerhofer, who often found himself "curled up in a ball, crying, losing it." Even after he left the profession, he had panic dreams about being back at the firm.

Meyerhofer's experience is not unique. A 1990 Johns Hopkins University study examined more than 100 occupations for anxiety-related issues and found that lawyers suffer from depression at a rate 3.6 times that of the other professions studied. A National Institute for Occupational Safety and Health study—based on data from 1984-1998—concluded that white male lawyers are more likely to turn to suicide than nonlawyer professionals. *Falling Through the Cracks*, a 2014 survey of Yale Law School students, found that 70 percent of them have struggled with mental health issues during their time at law school.

"The official number is that something like a gazillion lawyers are stressed out, and that amounts to a bajillion percent of the profession," observes Meyerhofer, who became a licensed clinical social worker after benefiting tremendously from therapy he himself underwent to "get a grasp on what happened to me in BigLaw." Counseling stressed-out attorneys has since become a specialty for Meyerhofer, who's also written a book, *Way Worse Than Being a Dentist: The Lawyer's Quest for Meaning*. In his practice, lawyers complain frequently and primarily about depression and anxiety. "I see it like crazy."

PERFECTLY NEGATIVE

Two character traits—perfectionism and pessimism—are prevalent among lawyers and may make them prone to anxiety, according to Gayle Victor, who worked as a consumer debt attorney for 25 years before becoming a social worker. "Perfectionism helps lawyers succeed in practice because the profession is excessively detail-oriented. In the Johns Hopkins study, optimism outperformed pessimism—except in the legal profession, because lawyers are hired to always look out for what can go wrong." Stressed-out lawyers account for 75 percent of Victor's practice, Care for Lawyers, which is based in Evanston, Illinois.

Taken to the extreme, perfectionism transforms into a feeling that nothing is good enough. "Attorneys develop an overdeveloped sense of control, so if things don't go as planned, they blame themselves. They think they didn't work hard enough or they were careless," explains Tyger Latham, a Washington, D.C.-based psychologist who treats many lawyers and law students. "Paid worriers, lawyers are expected to predict the future, to anticipate threats and guard against anything that could arise. So they learn to see problems everywhere, even when they don't exist. And they start to perceive threats as if they're life-or-death matters. That's the very definition of anxiety."What can then happen is that looking for risk and problems moves beyond just being a job or a profession and becomes the way that lawyers approach life, says Alan Levin, who spent 34 years as a labor and employment lawyer before co-founding the Care for Lawyers therapy practice with Victor. Lawyers tend to perceive far higher stakes when they encounter adversity, Levin says. "It's like coming home with four A's and a B and only focusing on the B. Mistakes are not tolerated well. Plus, the atmosphere of law offers minimal support amidst the high pressure," contributing to a profound sense of isolation for lawyers. As a result, "without a doubt, every lawyer I see has anxiety greater than the average population."

Gayle Victor says two traits—perfectionism and pessimism—are prevalent among lawyers and may make them prone to anxiety. Photo by Wayne Slezak.

Mental health disorders can profoundly affect attorneys' daily functioning.Irritability, obsessive thoughts, feelings of inadequacy, difficulty concentrating, a sense of worry and impending danger, sleep disturbances, heart palpitations, sweating, fatigue and muscle tension are all side effects of anxiety and depression, according to Latham. Some attorneys withdraw from peers, friends and family or engage in "maladaptive coping behaviors," such as self-medicating with alcohol and other substances.Meyerhofer, too, has seen "strange compensatory behavior" among lawyers eager to gain a sense of control over their lives, including "hair pulling, hand washing, food disorders and gym anorexia," he says. "I've seen weird stuff—lawyers who stay up all night playing video games, guys who use prostitutes."

Will Meyerhofer underwent therapy for anxiety while working at a corporate law firm. He now has a practice counseling stressed-out attorneys.

What's notable about lawyers' unhappiness is that there's a sense of acceptance rather than outrage, says Jeena Cho, a San Francisco bankruptcy lawyer who blogs about anxiety and mindfulness and is working on a book. "Why do we accept this as the norm? Why do we have to accept that our jobs have to be miserable?"

AVOIDING ANXIETY

The good news is that healthy coping mechanisms are available and are proven to reduce anxiety and depression among lawyers. Chief among them is meditation, which is not surprising given the media attention it has received in recent years. And the practice is gaining momentum in the legal profession. The law schools at Yale, the University of California at Berkeley and the University of San Francisco have begun offering mindfulness courses. In Northern California, Spirit Rock Meditation Center offers weekends solely for attorneys—the only profession-specific retreat the center offers.

In addition to her law practice, Cho teaches meditation courses for lawyers, coaches attorneys on stress and anxiety management, and produces the *Resilient Lawyer* podcast. She says a meditation practice will bring notable changes to stressed-out attorneys. "Start a daily meditation practice," Cho says. "It doesn't have to be long. It may just be a couple of minutes. It doesn't even have to be a formal meditation practice: Just sit at your desk, close your eyes and breathe."

Professionals such as attorneys can be resistant to meditation because of prevalent but erroneous stereotypes. Karen Gifford, a lawyer-turned-executive coach and co-founder of Broad Ventures Leadership in San Francisco, tries to demythologize meditation. "You don't have to go to the top of a mountain or wear funny clothes" to bring mindfulness to your day, she says. "The territory you're heading into is yourself, which is a very safe place to be. And it doesn't involve giving up your logical mind."

Criminal defense lawyer Brian Berson of San Francisco took Cho's meditation course after experts at the Stanford Center for Sleep Sciences and Medicine suggested that he try meditation to help with his profound sleep disturbances. "I have a high-stress business. All of my clients are desperate. I've had various sleep disorders, including waking in the middle of the night thinking about work," Berson says. "The meditation class was very soothing; and overall, it's helped me with everything."

The basic idea, according to Berson, is to just be in the moment. "All of us have a tendency to think about other stuff no matter what we're doing. But it's counterproductive and prevents you from enjoying life if you're doing something pleasurable—or even if you're doing something mundane that can be pleasurable, like taking a shower. You should stop and really feel the water instead of thinking about what you need to do when you get out. When you're walking down the street, enjoy it. Smell the air, look at the surroundings instead of thinking about where you're on your way to. Mindfulness is more than just meditation. It's a whole different way of thinking."

Berson continues to do online meditation sessions with Cho whenever he can fit it into his schedule. Because he has "trouble getting into that zone" on his own, he says, he likes the structure of a guided practice. "It's a really good thing for anyone with a stressful job," he says. "Most lawyers are under a lot of stress. We're advocating for people who are desperate—not just criminal defense lawyers like me whose clients are in prison. Litigators, too, are warriors. We've got to fight people. The aggressive state of mind is hard to turn off. That's stressful. It's bad for your health and for your state of mind."

Even if lawyers don't want to take a class or begin a formal meditation practice, Cho suggests they at least try adopting what's called the STOP approach to daily tasks: Stop. Take a breath. Observe. Proceed mindfully.

"Studies have shown that people literally hold their breath when they look at emails. It triggers the fight-or-flight response," Cho says. She recommends simply taking one long inhale and exhale before opening your inbox.

Small changes like mindfulness can have huge implications, particularly for lawyers who tend to be incredibly disconnected from themselves, according to Gifford. "When you sit with your own mind every single day, you see what your thought patterns are. You soon realize that certain thoughts aren't based on anything real or true—it's just a pattern. So you learn not to take yourself so seriously, which is incredibly freeing. You learn not to always think that opposing counsel is this horrible human being set out to ruin your life. All of a sudden, negotiation with that person has so many more possibilities."

FOCUSING ON THE PRESENT

Cho noticed a tremendous shift in her own law practice when she brought mindfulness and meditation into her life. For example, "You see your own role in the relationship with opposing counsel. You start to ask, 'What am I doing to contribute to this relationship?' Holding a mirror up isn't easy, but meditation creates the space to do that," she says. "Doing dishes, sitting in traffic, someone cutting you off—the knee-jerk reactions, the state of constant annoyance: That's all gone away. Because of meditation, I'm able to do everyday things with more joy. I'm not living in the future, not living to cross things off a to-do list. I live more presently."

From their first days of law school, lawyers are taught to vigilantly search the horizon for problems—to anticipate, prevent and resolve problems. But many attorneys lose the ability to choose when to approach the world that way, and a meditation practice can reverse that trend, according to Richard Carlton, acting director of the State Bar of California's Lawyer Assistance Program, which helps lawyers and bar applicants grappling with stress, anxiety, substance abuse or career concerns.

"When I teach CLE programs throughout the state, I insist that thinking like a lawyer is a legal skill, not a life skill," Carlton says. Adopting mindfulness, "just paying attention to the present moment," is a great way to combat this tendency. A mindfulness practice can be as simple as closing your eyes and counting backward from 100, he says.

Experts insist that staying present is essential not just for mental health but also for effective law practice. In the Yale Law School study, 50 percent of respondents indicated that mental health challenges affected their ability to perform academically. Stressed-out lawyers make poor decisions, leaving them open to liability. As a result, the benefits of mindfulness have become a big topic of discussion and education among professional responsibility groups, according to Terry Harrell, chair of the ABA's Commission on Lawyer Assistance Programs.

"Meditation and mindfulness are not just good for us the way things like fish oil are. They actually affect the quality of legal work," Harrell says. "A mindfulness practice makes us better decision-makers, better ethical decision-makers. And that translates into better lawyering."

Along those lines, the promotional materials for Spirit Rock Meditation Center's weekend for lawyers say that "law students, law professors, corporate attorneys and public interest attorneys alike have found that incorporating mindfulness into their life and law practice leads to greater effectiveness in skills such as client interviewing, managing the stresses of oral argument or a complex trial, and cultivating greater equanimity within a challenging profession."

In addition to meditation, eating both healthfully and mindfully should not be underrated as a method of combating anxiety, according to Cho. "Most lawyers eat at their desks or in front of the TV—there's no rest or digestion. But it's important to pause and do nothing but enjoy your meal. Eating properly, sleep and exercise are such foundational practices" for managing the stress of lawyering, she insists.

Exercise, too, is one of the best natural antidepressants and cures for anxiety, Meyerhofer notes. "I strongly urge everyone to find a physical activity: karate, yoga, swimming. Exercise releases endorphins. It will do wonders. The benefits are enormous."

Even the busiest lawyers can incorporate more walking into their everyday routines as a physical boost, suggests Victor of Care for Lawyers. Yoga, with its emphasis on transferring attention to the body and to the breath, can help reduce anxiety while also releasing physical tension and restoring energy. Adequate rest, too, is essential for regulating mental health, she says. "Sleep deprivation and resulting tiredness can make you even more vulnerable to stress and anxiety."

SACRIFICING HEALTH

Lawyers "intellectually know" that sleep, diet, meditation and exercise are important, according to Latham. "We know we feel better when we get a good night's sleep. But attorneys sacrifice sleep and healthy habits to meet unrealistic expectations. They skip meals, eat out, skip exercising. It's a snowball effect. Lawyers may also start to pull away from friends and family, to withdraw. But it's important to feel connected to other people or the problem compounds with isolation and shame."

In recalling his own experience with anxiety, Meyerhofer notes that one of his "profoundest regrets" is having remained so isolated from his peers at the firm. "It would have helped so much to have someone to talk to who understood."

Despite the proven benefits of healthy habits like meditation, nutritious diet and exercise, there's no blanket panacea for anxious lawyers, Latham cautions. "What may be helpful for one person may not be especially helpful for another. I always inquire about previous coping skills and what has proved helpful in the past." That inquiry—in the form of therapy—may truly be the key to mental health for many lawyers.

Meyerhofer similarly notes that it isn't that lawyers are unaware of wellness solutions like exercising and getting a good night's sleep. "It's that they are driven by financial considerations to earn as much money as possible by billing as many hours as possible, and that means they sacrifice other things—like time with friends and family, a healthy diet and exercise—to the almighty billable hour. How are you expected to get to the gym or yoga class or the pool when you're billing 300-hour months?

"How are you supposed to get the recommended seven hours of sleep every night, which is critical to good mental health, when you're expected to pull all-nighters and work weekends?" Meyerhofer asks. "People don't need good advice on getting to the gym and eating their vegetables. They need a time out, to listen to themselves and process the static in their heads."

Because medications treating anxiety and depression only do so much and can sometimes be addicting, Meyerhofer says, it's far more effective to combat such conditions by getting to the root of a problem through therapy. Therapists can help lawyers reality-test common thoughts, such as "I'm not any good. I'm going to fail. Someone will criticize me."

Expressing feelings of anxiety to another person who listens, cares and understands can be enormously therapeutic, "simple though it may seem," Levin adds. Sadly, while attorneys are statistically the professionals most in need of therapy, they're also deeply resistant to it, instead expending precious energy to hold everything in, according to Levin.

"Lawyers are a help-rejecting population," he says. "They mistakenly believe that if you're vulnerable, you're weak. There's this notion of being the rock of Gibraltar for your clients." But lawyers who seek and get help "can be more effective helpers."

Latham adds: "There are cultural variables that contribute to lawyers' feelings of isolation from colleagues and prevent them from seeking help. There's a stigma to any perceived weakness because it runs counter to the idea of attorneys being invincible and resilient." In the Yale Law School study, a chunk of the students who considered seeking treatment for mental health challenges opted not to because they feared exclusion from faculty, administrators, peers and state bar associations, which sometimes request information about applicants' mental health history.

Professional organizations, including the ABA and state and local bar associations, can educate lawyers about these issues, encourage them to seek help and, importantly, challenge the long-standing cultural factors that contribute to attorneys avoiding aid, Latham says. "These organizations can play a role in destigmatizing therapy, making it more acceptable for lawyers who are suffering to seek help and be able to talk openly," he says. "There should be no shame in that."

In a *Psychology Today* article, Latham wrote: "Just as any psychologist would consult an attorney when addressing legal issues outside of their area of expertise, so, too, an attorney should be prepared to consult a mental health worker if he or she feels ill-equipped to address the psychological stressors in his or her life."

In California, all lawyers are entitled to at least two free counseling sessions with a professional who specializes in working with attorneys, says Carlton of the State Bar of California. But typically only about 200 lawyers out of more than 183,000 active bar members take advantage of this benefit at any given time.

KNOWING THERE ARE CHOICES

It's important to note that no strategy should be touted as a cure-all. "The implication can become that you're struggling with anxiety or depression because you're not doing your yoga or not meditating or not eating right or somehow choosing to go without sleep," Meyerhofer says, "that it's your fault for not having mastered some 'effective strategy' that would make all these issues disappear." The fact remains that law can be brutal, and most young associates are not equipped for what they find when they enter the profession, he says. "You're not tossing and turning in bed, roiled by anxiety, because you're choosing to eat badly or to skip your yoga class. It has a lot more to do with being thrown into the deep end in an extremely competitive, exploitive business driven not by compassion or collegiality or the desire to mentor, but by profit and money and competition for prestige."

The perfectionist and competitive ideals are so entrenched in the profession that lawyers may be unaware of those questionable values and how damaging they are, Levin says. "It's great to make $1 million a year but when all your competitors are making $1.1 million or $1.2 million, that's hugely anxiety-producing," he says. "What's missing from all of this is the notion of quality of life, of feeling a connection and belonging in a common enterprise." What's needed is, essentially, a profound shift from the four-A's-and-a-B attitude, he says.

Changing the culture of the profession can go a long way toward curbing the epidemic of lawyer anxiety and depression, according to Levin. He recounts a conversation he once had with a law firm partner who criticized a young associate for expressing lack of confidence when the associate was about to do something for the first time. The partner worried that the associate would express that insecurity to the client.

"I thought: 'Give the associate some credit for being smart enough to know the difference.' And if an associate can't get support from an older mentor in private, then where will he get it? That associate needed to hear: 'It's natural to be afraid.' An associate who hears that is going to do a much better job, as opposed to someone simply working just to avoid a mistake. Lawyers need to be willing to let go of the belief, endemic to the profession, that expressing vulnerability is weakness."

Meyerhofer, too, laments the "hypercritical environment" of law firms. "Lawyers don't understand proper management and the value of praise," he says. "You don't beat the horse or else the horse turns into a shaky mess."

In his own case, anxiety disappeared once Meyerhofer left BigLaw and found a supportive mentor at his next job.

"Often, frankly, the 'solution' to lawyers' anxiety is to take a pay cut and work at a smaller, less hectic job, whether at a smaller firm or in-house or in a different field." Meyerhofer tells his clients that everyone has a right to look forward to what they're going to do each day.

Lawyers need to understand that they're not trapped, and that changes are possible, Levin adds.

"They can go to a smaller firm, create their own practice, teach, go to a corporation," he says. "We do a lot of work in our practice about getting lawyers to realize they have choices. Lawyers don't ask themselves 'What do I really want?' They're not used to it."

This article originally appeared in the July 2015 issue of the ABA Journal with this headline: "Stressed Out: How to avoid burnout and debilitating anxiety."

Leslie A. Gordon, a former lawyer, is a legal journalist based in San Francisco.

Perceived Stress Scale

A more precise measure of personal stress can be determined by using a variety of instruments that have been designed to help measure individual stress levels. The first of these is called the **Perceived Stress Scale**.

The Perceived Stress Scale (PSS) is a classic stress assessment instrument. The tool, while originally developed in 1983, remains a popular choice for helping us understand how different situations affect our feelings and our perceived stress. The questions in this scale ask about your feelings and thoughts during the last month. In each case, you will be asked to indicate how often you felt or thought a certain way. Although some of the questions are similar, there are differences between them and you should treat each one as a separate question. The best approach is to answer fairly quickly. That is, don't try to count up the number of times you felt a particular way; rather indicate the alternative that seems like a reasonable estimate.

For each question choose from the following alternatives:
0 - never 1 - almost never 2 - sometimes 3 - fairly often 4 - very often

_____ 1. In the last month, how often have you been upset because of something that happened unexpectedly?

_____ 2. In the last month, how often have you felt that you were unable to control the important things in your life?

_____ 3. In the last month, how often have you felt nervous and stressed?

_____ 4. In the last month, how often have you felt confident about your ability to handle your personal problems?

_____ 5. In the last month, how often have you felt that things were going your way?

_____ 6. In the last month, how often have you found that you could not cope with all the things that you had to do?

_____ 7. In the last month, how often have you been able to control irritations in your life?

_____ 8. In the last month, how often have you felt that you were on top of things?

_____ 9. In the last month, how often have you been angered because of things that happened that were outside of your control?

_____ 10. In the last month, how often have you felt difficulties were piling up so high that you could not overcome them?

Figuring Your PSS Score

You can determine your PSS score by following these directions:

- First, reverse your scores for questions 4, 5, 7, and 8. On these 4 questions, change the scores like this:

  0 = 4, 1 = 3, 2 = 2, 3 = 1, 4 = 0.

- Now add up your scores for each item to get a total. **My total score is _____.**

- Individual scores on the PSS can range from 0 to 40 with higher scores indicating higher perceived stress.
  - ► Scores ranging from 0-13 would be considered low stress.
  - ► Scores ranging from 14-26 would be considered moderate stress.
  - ► Scores ranging from 27-40 would be considered high perceived stress.

The Perceived Stress Scale is interesting and important because your perception of what is happening in your life is most important. Consider the idea that two individuals could have the exact same events and experiences in their lives for the past month. Depending on their perception, total score could put one of those individuals in the low stress category and the total score could put the second person in the high stress category.

Disclaimer: The scores on the following self-assessment do not reflect any particular diagnosis or course of treatment. They are meant as a tool to help assess your level of stress. If you have any further concerns about your current well being, you may contact EAP and talk confidentially to one of our specialists.

QUESTIONS

How do I define stress?

What makes me feel stressed?

How has eustress positively impacted my performance?

How has distress negatively impacted my performance?

1. <u>What You Control:</u>

    What do I try to control that is outside of my control?

    How can I use reframing to find the positive?

2. <u>Time Smart:</u>

    What do I need to say “No” to?

    What can I eliminate or delegate?

3. 20 Second Rule:

    What can I make 20 seconds easier to form a positive habit?

    What can I make 20 seconds harder to stop a negative habit?

4. Practice Emotional Intelligence:

    What emotions do I feel most regularly?

    What can I do to manage these emotions?

5. Emotional Triggers:

    What triggers me emotionally?

    What can I do about it?

6. Self-Care:

    What do I need to say “Yes” to?

    What boosts my mood and why aren’t I doing it more often?

7. Flow:

When do I experience flow?

What can I do to experience more flow?

8. Mindfulness/Meditation:

Am I focused on the present?

When is the best time for me to focus on my breathing?

9. Relationships:

What are my most important relationships?

How can I strength these relationships?

10. Balance/Rebalancing:

Do I need to rebalance?

What small changes can I make?